

BOARD OF PERSONNEL APPEALS
PO BOX 6518
HELENA MT 59604-6518
Telephone: (406) 444-2718
Fax: (406) 444-7071

STATE OF MONTANA
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNFAIR LABOR PRACTICE CHARGE NO. 3-2001:

FIREFIGHTERS LOCAL NO. 8, AFFILIATED WITH THE)	
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS,)	
)	
Complainant,)	
)	FINAL ORDER
- vs -)	
)	
CITY OF GREAT FALLS FIRE DEPARTMENT,)	
AFFILIATED WITH THE CITY OF GREAT FALLS,))
)	
Defendant.)	

The above-captioned matter came before the Board of Personnel Appeals on February 27, 2003. The matter was before the Board for consideration of the NOTICE OF APPEAL filed by Patrick R. Watt, attorney for the Defendant, and the NOTICE OF APPEAL, UNION'S EXCEPTIONS TO FINDING AND CONCLUSION ON ATTORNEY FEES AND COSTS filed by Timothy J. McKittrick, attorney for the Complainant, to the FINDINGS OF FACT; CONCLUSIONS OF LAW; AND RECOMMENDED ORDER issued by Anne L. MacIntyre, Chief, Hearings Bureau, dated July 15, 2002.

Appearing before the Board at that time were Patrick R. Watt, attorney for the Defendant, and Timothy J. McKittrick, attorney for the Complainant. Both parties appeared in person.

Following the February 27, 2003, hearing the Board issued its ORDER dated March 10, 2003, which effectively resolved all outstanding issues save one – a determination as to the amount of costs incurred by Firefighters Local No. 8 in the pursuit of this case. Such a determination was necessary because the Board had modified the Hearing Officer's RECOMMENDED ORDER to include an award "for all reasonable, necessary and lawful costs incurred to date in the litigation of this matter."

In accordance with the Board's Order of March 10, 2003, the parties have filed a stipulation of costs agreeing that the sum of \$6,931.91 is appropriate in this case.

Whereupon after review of such affidavit of costs and consideration of the record as a whole, the Board concludes and orders as follows:

1. **IT IS HEREBY ORDERED** that the Board's March 10, 2003 ORDER is incorporated by reference herein.
2. **IT IS FURTHER ORDERED** that the stipulated costs of \$6,931.91 are determined to be reasonable, necessary and lawful costs incurred by Firefighters Local No. 8 in the pursuit of this action.
5. **IT IS FINALLY ORDERED** that the above-stipulated costs are hereby awarded Firefighters Local No. 8.

DATED this _____ day of March, 2003.

BOARD OF PERSONNEL APPEALS

By: _____
Jack Holstrom
Presiding Officer

* * * * *

NOTICE: You are entitled to Judicial Review of this Order. Judicial Review may be obtained by filing a Petition for Judicial Review with the District Court no later than thirty (30) days from the service of this Final Order. Judicial Review is pursuant to the provisions of Section 2-4-701 et seq.

* * * * *

CERTIFICATE OF MAILING

I, _____, do hereby certify that a true and correct copy of this document was mailed to the following on the _____ day of March, 2003:

PATRICK R. WATT
JARDINE STEPHENSON BLEWETT
& WEAVER PC
PO BOX 2269
GREAT FALLS MT 59403-2269

TIMOTHY J. MCKITTRICK
MCKITTRICK LAW FIRM
PO BOX 1184
GREAT FALLS MT 59403-1184

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